

MONDAY 9 o'clock, A. M., Dec. 31, 1849.

The Senate was called to order by the President. Senators present : Messrs. Brashear, Burleson, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of Saturday were read and adopted.

Mr. Phillips presented the memorial of Levi Jones, praying the passage of a law incorporating a company for constructing a Rail-Road from the Bay of Matagorda to some point on the Rio Grande near El Paso; read, and, on motion of Mr. Pease, referred to a Select joint committee.

Messrs. Pease, Phillips and Portis were appointed said committee on the part of the Senate.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported, as correctly enrolled, a bill to incorporate the President and Directors of the Guadalupe High School Association; a bill to establish the Eleventh Judicial District of the State, and the amendment to the constitution.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to restore lands, sold for taxes and purchased by the State, to the former owners, originating in the House of Representatives; also, one for the same purpose introduced in the Senate, returned the bills to the Senate and recommended the passage of the House's bill, with the following amendment:

In sec. 1, line 8, after "payment" insert "together with 8 per cent. per annum thereon."

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill to authorize the Commissioner of the General Land Office to issue a head-right certificate, first class, for one league and labor of land to James Taylor, which originated in the Senate and passed the House, with amendments, reported the same back to the Senate and recommended that the amendments of the House be rejected.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to authorize the Commissioner of the General Land Office to issue a patent to Robert W. Latimer for 640 acres of land; and a joint resolution granting further time for the payment of government dues, and a bill defining the boundary of the county of Santa Fe, correctly enrolled.

Mr. Ward, from the committee on Enrolled Bills, reported a bill to incorporate the Texana Academy, correctly enrolled.

Mr. Burleson, chairman of the committee on Military Affairs, made the following report :

COMMITTEE ROOM, Dec. 29, 1849.

To the Hon. John A. Greer,

President of the Senate :

The committee on Military Affairs, to whom was referred a memorial and joint resolutions, relative to the payment of certain volunteer companies for services rendered on the western frontier of the State of Texas, have had the same under consideration, and after the most mature deliberation, have unanimously instructed me to report : The claim mentioned in the joint resolution, which the Government of the United States is called upon to pay, is sustained by a volume of the clearest and most indubitable evidence and appeals to the General Government, through every consideration which can influence a magnanimous and just people. By the joint resolutions of annexation, the State of Texas surrendered up to the Government of the United States all her arms and public armaments and received the guarantee of the Government of the United States that the strong arm of her invincible power should be extended over us as a panoply and a shield. The cessation of hostilities between the United States and Mexico and the withdrawal of the troops of the United States from the line of Mexican frontier left the inhabitants of both nations exposed to the incursions of the various Indian tribes, which border upon the Rio Grande settlements.— Petty thieving expeditions were made with success by the Indians until they became emboldened and organized, and within the last year they have waged a most cruel and destructive warfare upon the defenceless frontier inhabitants. It would be painful, if not profitless, to detail the particulars of the inhuman barbarities which those Indians have perpetrated upon every quarter of our frontier. Suffice it to say, that since the first day of last January more than one hundred of our citizens, men, women and children, have either been savagely butchered within our borders, or carried into Indian captivity ; and more than one hundred thousand dollars worth of property stolen and carried off. Many of these outrages have been committed within view, if not within reach of the guns of the U. S. posts. It needs neither pen, or pencil to depict the horrors of the condition of a people thus situated. A simple narration of the facts in the language of unadorned truth sickens the heart of every patriot, and makes it bleed for our country. Men were butchered before their wives and children, and they inhumanly violated, and either massacred, or taken into a cheerless and hopeless captivity.—

There was no alternative. The State was thrown upon her own resources. A blood-red banner streamed on our western and northern border, and every breeze which swept its terrible folds, came laden with the desponding and expiring screams of helpless innocence. A call for volunteers was made by the Executive, which was instantly responded to by our young men; and it becomes our bounden and solemn duty to secure them compensation for their prompt aid and efficient services by all the means within our power. If the money was in the Treasury of the State, the committee would unhesitatingly recommend the prompt and immediate payment of the claim; but as such is not the case, there can be no objection to assume the debt to be paid whenever the State shall possess the ability. The Senators and Representatives, from the Rio Grande settlements, tell us that even after they had mounted their horses to come here, that fathers and mothers and relatives of every age followed and came around them, bathed in tears and upon their bended knees, implored them to solicit from our Government relief and the restoration of their captured children and kindred and security and protection for the future. And shall it be said that the sorrows, the distress, the prayers and entreaties of their constituents meet no response with us? we trust not! The mature deliberations of the honorable House of Representatives and the most thorough examination of your committee induce them to think that the course adopted by the House is the most efficient and desirable mode of obtaining the important object of the memorial and resolutions. The amount of fifteen hundred dollars to be paid the agent is no more than a just compensation for the services required. It may be objected that will not or may not be refunded. If so, it is, in the opinion of your committee, the least that we could possibly do. If the General Government should utterly refuse to pay the compensation to our volunteers or the losses of our citizens, no good citizen can ever regret that the Legislature appropriated the sum of fifteen hundred dollars in an honest endeavor to place all the facts before the Government of the United States and demand most respectfully what justice entitles us to. The General Government, however, has never failed to meet all honest demands against it, and the committee have no doubt but that the money will be returned to our Treasury by the middle of the coming year. With the expression of these sentiments, the committee have instructed me to report the memorial and joint resolutions back to the Senate, without amendment, and recommend their passage.

EDWARD BURLESON,

Chairman of the Committee on Military Affairs.

Mr. Burleson, chairman of the committee on Military Affairs, to whom was referred the petition of Eli T. Merriman, reported the following bill and recommended its passage:

A bill for the relief of the heirs and legal representatives of John C. Ogden; read 1st time.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred the petition of Daniel Fuller, reported the same back to the Senate and recommended that it be laid on the table.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of the heirs of James Ury, deceased, and a bill to authorize the Commissioner of the General Land Office to issue a head-right certificate to Guy M. Bryan, reported the same back to the Senate, without amendments, and recommended their passage.

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred resolutions on the subject of slavery, reported the same back to the Senate and recommended their adoption.

Mr. Robertson, from the same committee, to whom was referred a joint resolution to procure the passage of a law by the Congress of the United States granting pensions to certain persons who suffered in the Texas revolution, or to their indigent widows and children, reported the same back to the Senate and recommended its passage.

Mr. Robertson, from the same committee, to whom was referred a bill to provide for the enumeration of the inhabitants of the State of Texas for the year 1851, reported the same back to the Senate, with the following amendments:

1st. Strike out the word "one" wherever it occurs immediately after the word "fifty" in the bill.

2d. Strike out all in the first section after the word "females," and insert "sixth, the number of children under eighteen and over twelve years of age—seventh, the number of children under twelve and over six years of age—eighth, the number of children under six years of age—ninth, the number of slaves, and tenth, the number of free persons of color."

3d. Strike out the second section.

4th. Make the 3d section the 2d, and the 4th the 3d, and the 5th the fourth.

5th. Add sec. 5. That this act take effect and be in force from and after its passage.

Mr. McRae, chairman of the committee on Printing, reported that they had contracted with the State Gazette for the printing of 2000 copies of the Governor's message for the use of the

Senate, at the following rates : $\frac{1}{3}$ of a cent per page for the first 1000, and $\frac{1}{5}$ of a cent per page for all over that number to be furnished in pamphlet-form, stitched and trimmed.

Mr. Robertson, chairman of the committee on State Affairs, made the following report :

COMMITTEE ROOM, Dec. 31, 1849.

To the Hon. President of the Senate :

The committee on State Affairs, to whom was referred a resolution of the Senate "requesting them to take into consideration the propriety of responding, in terms of approbation, to the action and resolutions of the late National Rail-Road Convention held at Memphis, Tennessee, and, also, the propriety of proposing, on the part of the State of Texas, to donate, for the construction of said road, as far as the same shall pass through the State, every alternate section of all of the unappropriated lands lying within the space of ten miles on each side of said road, provided the same shall pass through the State as proposed by said convention," have had the same under consideration, and after mature deliberation, a majority have instructed me to report:

That the subject is one of vast importance to the whole people of the United States, and one that should commend itself with great force to the State Legislatures and the National Congress, in such a degree as to secure its early attention and prompt action, for upon the construction of that road depends, in the opinion of your committee, in a great degree, the proper development of the resources of one third of the fairest portion of our Union. Your committee have carefully examined the route proposed for this national road by the Memphis Convention, and they have no hesitation in saying that this route possesses advantages and important ones too over any other route that they have seen proposed. The northern routes, that have been proposed, run so far north that the rigors of the climate are so severe, that it would render the road, if completed there, comparatively useless for near half the year; and to your committee it appears to be unreasonable to even attempt to carry a national work of this magnitude through those high latitudes, where with all the care that the traveller can bestow on himself, he is barely able to preserve his own life, and where with all the care he can bestow on the hardiest of our domestic animals, during their journey through those regions of perpetual snow, he is unable to preserve their lives until they reach the milder region beyond the mountains. If this position then be true, and to substantiate it we refer to the actual experiments made by the numerous parties who have crossed on those routes, the conclusion must be evi-

dent that those routes are impracticable. Your committee deem it unnecessary to enter into any argument, showing the necessity for such a road, for they are constrained to believe that the advancement and the prosperity of the whole Union demands it; and that whatever is required, twenty millions of people under our institutions, will be accomplished, and that too in a very short time. They will briefly advert to some of the advantages that present themselves in favor of the route proposed by the Memphis Convention: First, then as to its terminus on the Mississippi, the point on that stream, embraced between the thirty-first and thirty-third degrees of latitude, seems to be the point indicated by nature as a point for the great depot for the products of the great valley of that stream, which has been termed, and appropriately too, the granary of the world, for distribution to the different points of the civilized world. It strikes too about the centre of the cotton region of that valley by means of which this great southern staple could be readily transported on it; it, also, runs near the extensive sugar lands of the south—this, together with the facilities afforded by the numerous tributaries of that stream, for transporting the various products of the whole Union to this point, indicates this point, in an eminent degree, as the proper place for the terminus of this road; and again the committee have no hesitation in saying that the scope of country lying between those degrees of latitude, throughout its whole extent from the Mississippi to the Pacific, is susceptible, from its fertility of soil, adaptation to cultivation, salubrity of climate, &c., of sustaining a more dense population than any other scope of country, of the same extent, that crosses our continent. With regard to the lands lying along this route from the Red River to the Paso Del Norte, but little, it is believed, is known by the people of a majority of our sister States; and by some of them, an impression prevails, that it is for the most part a desert waste. These impressions, your committee are fully satisfied, are altogether erroneous; intelligent and scientific gentlemen have travelled through its entire extent from El Paso to the upper settlements of our State; and they all concur in pronouncing it a country of great fertility of soil, with an abundant supply of pure and wholesome water, and an abundance of timber, and a section that cannot be surpassed by any portion of our Union, for wheat and other small grain. Another advantage consists in the natural grasses of this part of the route, which the committee feel no hesitation in pronouncing the finest natural grasses in the world, both as to quantity, quality and durability. Passing as this proposed route does over the principal sources of the

Trinity, Brazos and Colorado Rivers, among the numerous springs of pure water that supply those streams, while they afford an abundant supply of wholesome water to slake the thirst of the hardy pioneer; they, at the same time, offer to him with but slight labor to control it—the finest and most numerous facilities for water power machinery of all kinds, and at the same time the supply of timber afforded by the numerous vallies is superabundant for all the purposes of a dense population, to say nothing of the different mineral substances of great value that are known to exist in that region in large quantities; one only of which the committee will give a passing notice of here. It is stone coal: the committee have no hesitation in asserting the existence of this valuable mineral in almost inexhaustible beds about the sources of the Brazos and Colorado Rivers. These mines have been visited by those professing to be competent judges and are pronounced by them to be of good quality and in large quantities. In the opinion of your committee, there is another important advantage possessed by the route recommended by the Memphis Convention, that will be readily admitted by all who can correctly inform themselves on the subject. It consists in there being less inequality of surface, at least as far as the Paso Del Norte, (for the committee will not pretend to hazard an expression, with regard to any section of the route, unless they feel well assured that they have data sufficiently correct before them to speak with certainty,) there can be found on any other route, and indeed by making a very slight divergement to the south, where a spur of the Guadalupe mountains intercepts the direct route, all elevations that deserve the name of mountains, are avoided. On this route no extremes of heat or cold occur, and should this route be adopted and the road be made, the travel on it will not be interrupted for a single day in the year from the inclemencies of the climate. This is an advantage that the committee consider of great importance, and one that should be well considered by the whole people of our Union. For if this road is constructed, it must and will be the main artery of the commercial communication through which the products of this vast extent of country, both agricultural and mechanical, must pass in seeking consumers for the surplus products of the different portions of it. Your committee feel constrained to advert briefly to the question of the constitutional powers of the General Government to construct such a road. They allude to it from the fact that by some it is contended that the constitution confers no such powers on the Congress. In their opinion, there can exist no reasonable doubt as to the power of the General Go-

vernment to construct this road. The constitution expressly delegates to the General Government the right to regulate commerce and exercise a parental care and control over the general welfare and prosperity of all the States and territories of the Union, and to afford efficient protection against external as well as internal danger of every kind. This position, it is believed, will not be denied. If then she has the power to do this, and is expressly commanded to use that power, does it not follow as a legitimate inference that she can use the means to make that power effective? We think she has, and farther we believe that the whole principles upon which our confederation is founded, authorize and require the General Government to regulate the commerce of the whole, and afford that protection and general supervision in the speediest, most efficient, and at the same time the cheapest manner. Will it be contended by any one that it is constitutional for the General Government to spend millions upon millions of dollars in constructing ships, and keeping them upon the high seas prepared for service, and in constructing docks, harbors, &c., in order to carry out the mandate of the constitution, while, at the same time, they deny its power to use the same means to comply with its duty in affording protection and regulating the internal commerce of the same people? We believe that the two principles are precisely analogous, and that if the constitution gives to the Congress the power to regulate and authorizes the using of the means to protect commerce and its citizens upon the high seas, (of which there never has been a doubt in the mind of any one,) the same duty and authority is imposed and granted to it to use the means to enable it to protect the internal commerce and citizens of the confederation, and that the construction of this road by the General Government is absolutely necessary, the committee do not entertain the slightest doubt: indeed, they do not believe that the General Government will ever be enabled to give that protection to the internal commerce and to the citizens of the country without it, and that it is her duty to construct it without delay. Reaching, as our country does, from ocean to ocean, producing or possessing the soil and climate, within her geographical limits, to produce nineteen-twentieths of the different products of the globe,—with a government whose liberal institutions and fostering care is attracting the oppressed of every land to our shores, she is called on by every consideration of prosperity, and to perpetuate our liberal government, to break down, by the construction of this road, the mountain barrier that separates the vallies of the two oceans and by that means make this nation what the Genius of Liberty

has destined it to be,—one united family of freemen in almost daily intercourse from one extremity of the Union to the other. It is, however, in a military point of view, that the greatest necessity exists, in the opinion of your committee, for the speedy construction of this road. Our great strength consists, and must, of necessity, continue to do so, in our citizen-soldiers, in the event of a war with any foreign power; under the existing state of things, what would be our condition? Our possessions in California, New Mexico and Oregon, in fact, our whole Pacific coast exposed to attack; our flourishing settlements there liable to be broken up, or materially injured by an opposing power; and no means of throwing to that point assistance under six or eight months, and then at an increased expense, that it is believed, twelve months' war with any power, would construct the entire road on the route proposed by the Memphis Convention. While with the facilities that would be afforded by this road, when once completed, any number of troops and munitions of war could be thrown to any point of our possessions on either side of the mountains, with such celerity, as to secure protection to the persons and property of all American citizens, whether situated on the shores of the Pacific, Atlantic, or among the defiles of the Rocky Mountains. Under this view, the construction of this road, and that speedily too, is a matter of paramount importance, for, in the opinion of the committee, the motto of him who never erred, in relation to any interest of the United States of America, is peculiarly applicable here, viz: "In time of peace, prepare for war." Entertaining these views, the committee would most cheerfully respond to the action of the National Rail-Road Convention that met at Memphis, Tennessee, and earnestly recommend the resolutions adopted by that body to the favorable consideration and early action of the Congress of the United States.

In compliance with the second proposition contained in the resolution, your committee herewith present a joint resolution, giving to the General Government the right of way for said road, and the resolution, also, grants to the Government of the U. S. every alternate section of the unappropriated lands of the State lying within ten miles of the road on either side of it to be applied by the General Government to the construction of said road. The resolution grants the right of way through our State, without regard to any particular route; this is considered by your committee to be a matter of vital importance; inasmuch as without this right granted by the Legislature, the road could not be constructed at all by the General Government, and, in

the opinion of the committee, a failure on our part to give this right, would prevent even a survey of the routes that have been proposed through our territory; for the General Government could not be expected to go to the necessary expense of surveying any route through any sovereign State, when that State had refused her the right of way through her territory for the road, when the route was selected. The granting by special laws of the Legislature is, also, following the example of the other State through whose territory this road has been proposed to be carried. The offer of each alternate section of the unappropriated lands lying within ten miles of the road on each side of the same, it will be observed, is not to have effect, unless the route proposed by the Memphis Convention is selected, and the road constructed on that route. This offer may appear to some to be too large, but, in the opinion of the committee, this objection will vanish, when a calm and deliberate view is taken of the magnitude, importance, and powerful influence the construction of this road will have on our State, if this route is selected. The mind, indeed, becomes bewildered and lost in the very attempt to calculate the vast increase of all the elements of prosperity and greatness to which we would at once have placed within our power. Texas, too, occupies a position, in regard to this great work, that calls on her for some action that will be commensurate with the character of the work and its benefits.— If this route be selected, the road will pass through her territory for the distance of six hundred miles that is now unappropriated the greater portion of which, without the construction of this road, must, of necessity, remain nominally valueless to the State for years to come, and the committee assume the position that the one-fourth of these lands would be worth more with the road running through them than the whole without the road, and this position, they believe, will not be contradicted by any. Again, it is objected to by some that the offer of those lands by Texas can have no influence on the location of that road; we have illustrated our position, that this offer, on our part, must have a material influence on that selection. Review the offer contained in that resolution, setting forth the distance that the road will pass through our unappropriated lands, at two millions and five hundred and sixty thousand acres, in alternate sections of 640 acres each, extend to the distance of ten miles on each side of the road. This land, as before stated, is well situated for settlement, and has all the advantage of water, timber, temperature of seasons, &c., &c., and cannot, in the opinion of the committee, the moment the road is located, be worth less than two dollars

per acre. And this, in their opinion, is below what its real value would be, but setting it down at that price, and we have, in round numbers, the offer on the part of the State, which is 5,120,000 dollars, and sufficient to pay half the expense for the construction of said road through our territory.

To assume then the position that this offer, on the part of Texas, can have no influence with the General Government in locating said road, and that, too, when the route proposed must, under any view of the subject, be equal, if not superior in advantage to all the other routes that have been proposed is to assume, that the General Government is wholly regardless of her finances; and that, too, when one of the strongest objections that is urged against the undertaking of that work by that Government is its cost and consequent drain of the public treasury.

With regard to the objection raised by some, that our public lands are specifically appropriated by the resolutions of annexation for the payment of our public debt, and that the State is thereby prohibited from using or disposing of any portion of them until that debt is paid, your committee reply that, in their opinion, no such deduction can be drawn from a fair and just construction of those resolutions. Texas owes that debt, and is bound to and will pay it, but it is for her to choose how she does it. We admit and believe that her public domain stands pledged by the resolutions above alluded to, and we contend, under that view of the matter, that as long as she reserves a sufficient amount of her lands to satisfy that debt, she will have complied with her moral as well as legal obligation imposed by her compact of annexation, and to maintain the position, that she is prevented by that compact from touching any portion of those lands until the debt is paid, when the official records of the State show that she has more than three times as much as will satisfy her debt, is to maintain that Texas must remain as an idle and uninterested spectator of the advancement of the age in which we live, and that she must, by this course, suffer the boundless wealth and prosperity to herself and citizens that lies in the undeveloped resources of her millions of public domain; when by a different course of policy—a policy dictated by reason and supported by interest, she may, by wise legislation, reclaim at least a portion of her dormant wealth in those lands, and by that course, continue without an interruption in her upward course to prosperity, wealth and intelligence. In the opinion of the committee, such a course, on our part, should never be pursued. In regard to the public debt, they would further remark that the alternate sections reserved to the State by the resolution submit-

ted by them will, in the event of the location of this road on that route, place it in the power of the State to pay that debt from the proceeds of these reserved sections in a much shorter period than she can possibly do it with all her public lands and without the road; and in conclusion, the committee would observe, in reply to the question which has been so often asked by some, viz:—"What will Texas have gained, if she takes this course and the road is not then made?" That she will have shown to her sister States of the Union that she considers the construction of this road of vital importance to the prosperity and welfare of the whole mass of the citizens of this mighty Republic, if not to the preservation of the Union itself; and that she having the means within herself, had the foresight and liberality to step forward and tender with a younger sister's love of the family union the means of constructing the road for more than half its length to our federal head.

Entertaining these views, your committee earnestly recommend the accompanying resolution to the favorable consideration of the Senate, and they would respectfully urge that the Senate take early and prompt action on the matter. All of which is respectfully submitted.

J. B. ROBERTSON, Chairman.

A joint resolution granting the right of way to the United States for a Rail-Road to the Pacific Ocean; read first time.

Mr. Robertson, chairman of the Special committee, to whom were referred the several bills on apportionment, made the following report:

COMMITTEE ROOM, December 31, 1849.

Hon. JOHN A. GREER,

President of the Senate:

The Special committee, to whom were referred the bills to apportion the Senators and Representatives among the several counties of this State, have had the same under consideration, and a majority of the committee, that was present, instructed me to report a substitute for the original bills and recommend its adoption. Messrs. Pease and Robertson dissenting. Messrs. Van Derlip and Walker not present. All of which is respectfully submitted.

Mr. Parker introduced a bill to provide for the erection of public buildings at the seat of Government to be located by the vote of the people in 1850; read first time.

Mr. Moffett offered the following resolution:
Resolved, That the committee on the Judiciary be instructed

to inquire into the expediency of admitting to record in this State certified copies of deeds made and recorded in the State of Louisiana, and report by bill or otherwise as early as practicable.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills and joint resolutions correctly engrossed :

A bill for the relief of the heirs or legal representatives of Wm. H. Malone, deceased ;

A bill for the relief of the citizens of Peters' colony, and,

A joint resolution for the relief of Jacob Allbright.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported the following correctly enrolled :

A joint resolution for the relief of James M. Manning ;

A joint resolution for the relief of the heirs of Peter Crudden, deceased ;

A joint resolution appropriating four thousand dollars for the compensation of the assessors and collectors of taxes for taking the enumeration of the inhabitants of the State for the year 1848 ;

A bill to be entitled an act making an appropriation to defray the expense incurred in publishing the proposed amendments of the constitution ; and,

A joint resolution for the relief of the heirs and assignees of Benjamin D. Nobles, deceased.

ORDERS OF THE DAY.

Joint resolution for the relief of Jacob Allbright ; read third time, and on motion of Mr. Robertson laid on the table until tomorrow.

A message was received from the House of Representatives informing the Senate that the House had passed the following bills :

A bill for the relief of Mary Henderson.

A bill to locate permanently the county-seat of Henderson county.

A bill supplementary to an act to incorporate Austin College, approved Nov. 1849.

A bill to incorporate the town of Rio Grande city, which originated in the Senate with amendments.

A bill for the relief of the citizens of Peters' colony ; read third time.

Mr. Walker offered to amend by adding two additional sections, 13 and 14 ; adopted.

On motion of Mr. Cooke, the bill was laid on the table.
 On motion of Mr. Pease, a bill creating the counties of Presidio, El Paso and Worth, and a bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fé, were taken from the table and placed among the orders of the day.

On motion of Mr. Robertson, the petition of James Hall, with the report of the committee on Private Land Claims, was taken up and placed among the orders of the day.

A bill for the relief of the heirs or legal representatives of Wm. H. Malone, dec'd; read third time and passed.

The Senate concurred in the first amendment of the House to a bill to incorporate Rio Grande City.

Mr. Portis moved to amend the second amendment of the House, by inserting after the word "property" in the 12th line, the words "for hire or reward;" adopted, and amendment concurred in.

On motion of Mr. Portis, the motion to reconsider the vote which rejected a bill to amend an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas, was laid on the table.

The Senate concurred in the amendments of the House to a bill creating the counties of Presidio, El Paso and Worth, and to the amendments to a bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fé.

A message was received from the House, requesting the Senate to return to the House the amendments to the constitution which was reported to the Senate on Saturday last.

A bill to secure to all actual settlers within the limits of the colony granted to Wm. S. Peters and others, commonly known as Peters' colony, the lands to which they are entitled as colonists; read second time, and on motion of Mr. Cooke, referred to the committee on Public Lands.

On motion of Mr. Grimes, a bill for the relief of the citizens of Peters' colony, was taken up and referred to the committee on Public Lands.

A bill for the relief of the heirs of George W. Manie; read second time, and on motion of Mr. Brashear, referred to the committee on Private Land Claims.

On motion of Mr. Pease, the Secretary of the Senate was instructed to inform the House that the amendments to the Constitution reported to the Senate on Saturday last, is not now in possession of the Senate.

Mr. Portis introduced a joint resolution, declaring the office of

District Judge of the 11th Judicial District vacant; read first time.

Joint resolution for the relief of Benjamin F. Fry; read second time, and on motion of Mr. Parker, referred to the committee on Private Land Claims.

A bill to locate permanently the county seat of Henderson county; read first time.

A bill for the relief of Mary Henderson; read first time.

A bill to incorporate the Texas Monumental Committee; read second time and ordered to be engrossed.

A bill to incorporate the town of Castroville; read second time and ordered to be engrossed.

A bill to authorize James Knight to adopt Lucinda E. Nibbs, daughter of Mary Beckham, deceased, late of the county of Fort Bend; read and passed to a third reading.

A bill to incorporate the Brasos, San Bernard and Oyster Creek Canal and Navigation Company; read second time, and on motion of Mr. Robertson referred to the committee on Internal Improvements.

A bill supplementary to an act incorporating the Western Texas Orphan Asylum; read and ordered to be engrossed.

A bill to reserve to every family in this State certain property therein specified, and to exempt the same from forced sale under execution or otherwise, together with the report of the Judiciary committee thereon, recommending that it be laid on the table, was read and report adopted.

On motion of Mr. Portis, the bill was referred to a Select committee of three.

Messrs. Portis, Grimes and Van Derlip were appointed said committee.

A bill concerning lands acquired by aliens, together with the report of the Judiciary committee, offering amendments thereto, was read; amendments adopted, and on motion of Mr. Latimer, bill laid upon the table.

A bill to provide for the incorporation of charitable, benevolent and scientific companies or societies, together with the report of the committee on the Judiciary, offering amendments thereto, was read, amendments adopted, and bill ordered to be engrossed.

COMMITTEE ROOM, December 29, 1849.

To the President of the Senate:

The committee on the Judiciary, to whom was referred a bill to be entitled an act to provide for the incorporation of charitable, benevolent and scientific companies or societies, have

examined it; a majority of said committee have instructed me to report the following amendments thereto, to wit:

Sec. 1st, in the 13th line, strike out "for record," and insert "and recorded."

Sec. 2d, in the 1st line after the word "filing" insert "and recording as."

Sec. 6th, in the 4th line, strike out "for record," and insert "and have recorded."

And recommend their adoption and the passage of the bill when so amended.

B. RUSH WALLACE,
One of the Committee.

A bill for the relief of James E. Edmiston; read second time and ordered to be engrossed.

A message was received from the House of Representatives, informing the Senate that the House refused to adopt the substitute of the Senate for a bill to amend the 6th, 7th and 9th sections of an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., approved March 15, 1846, and had appointed Messrs. Fields, Stapp and Lloyd a committee of conference, on the part of the House, and requested that a like committee be appointed, on the part of the Senate.

Messrs. Moffett, Gage and Brashear were appointed a committee, on the part of the Senate.

A bill for the relief of John Neill, together with the report of the committee on Private Land Claims offering a substitute therefor, was read, and substitute adopted.

On motion of Mr. Wallace, the bill was laid on the table until to-morrow.

A bill declaring Bear Creek in Sabine county to be a navigable stream; read second time and ordered to be engrossed.

A bill for the relief of James G. Norvell; read second time and ordered to be engrossed.

Mr. Phillips moved to adjourn; lost.

A bill to authorize the Commissioner of the General Land Office to issue a head-right certificate, first class, for one league and labor of land to John Boyd, assignee, of Geo. W. Mead; read second time and ordered to be engrossed.

Mr. Portis introduced a bill to alter the time of holding the courts in the First Judicial District; read first time.

Mr. Cooke moved to adjourn until Wednesday; lost.

On motion of Mr. Gage, the Senate adjourned.